



U.S. Citizenship
and Immigration
Services

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JAN 26 2005

FILE:

SRC 01 191 54198

Office: TEXAS SERVICE CENTER Date:

IN RE:

Petitioner:
Beneficiary:

PETITION: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Mari Plunson

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The self-petitioner seeks classification as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), to perform services as a minister. The director determined that the petitioner failed to establish that the religious organization with which he was associated qualified as a bona fide nonprofit religious organization. The director also determined that the petitioner had not established that he had been engaged continuously in a qualifying religious vocation or occupation for two full years immediately preceding the filing of the petition, that the position qualified as that of a religious worker, or that the self-petitioner was qualified for the position within the organization. The director further determined that the petitioner had not established that he had received a qualifying job offer or that the prospective United States employer had the ability to pay the petitioner the proffered wage.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii) states, in pertinent part:

(B) *Meaning of affected party.* For purposes of this section and §§ 103.4 and 103.5 of this part, *affected party* (in addition to the Service) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

The regulation at 8 C.F.R. § 103.3(a)(2)(v) states:

Improperly filed appeal – (A) Appeal filed by person or entity not entitled to file it – (1) Rejection without refund of filing fee. An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee the Service has accepted will not be refunded.

Pursuant to the instructions the Form I-360, Petition for Amerasian, Widow or Special Immigrant, a self-petitioner is not required to complete Part 1. The Form I-360 filed with Citizenship and Immigration Services (CIS) on May 2, 2001 contained no information in Part 1 and was signed by [REDACTED]. In a request for evidence dated September 10, 2002, the director instructed the petitioner to submit a copy of the last page of the Form I-360 signed by the petitioning organization.

In response, the petitioner resubmitted the last page of the Form I-360, containing a signature by Reverend [REDACTED] in Part 10 of the form, indicating that Reverend [REDACTED] was the person who prepared the Form I-360. The signature of [REDACTED] still appeared in Part 9 of the form, indicating that he is the petitioner in the case.

Reverend [REDACTED] filed the appeal. Only an affected party, a person or entity with legal standing, may file an appeal of an unfavorable decision. As the appeal has not been filed by the petitioner, or by any entity with legal standing in the proceeding the appeal has not been properly filed and must be rejected.

ORDER: The appeal is rejected.